

Application Serial No. 10/034,413
Reply to Office Action of September 27, 2004

REMARKS

Claims 1-23 were originally presented in the application. By this amendment, claims 3-4, 13 and 22-23 are cancelled without prejudice to filing a continuing/divisional application, claims 1 and 14 are amended and claims 24-41 are added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1, 2, 5, 6 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shyu, U.S. Patent No. 5,949,255 ("*Shyu*"). Applicant traverses this rejection and respectfully submits that the pending claims are allowable.

It is well established that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. As such, for an anticipation rejection, all of the elements and limitations of the claim must be found within a single prior art reference. It does not appear that all of the elements and limitations of claim 1 are found within *Shyu*.

The Office Action provides that *Shyu* discloses "a counter (2) for determining a count of the sync signal from one edge to the next" (Office Action, paragraph 2, page 2, lines 15-16). Applicant respectfully submits that selecting clock rate to be the pixel rate is not an obvious design choice as provided below and therefore claim 1 is amended to include the features of claim 3. Applicant believes that the reference does not disclose "determining a count of the sync pulse using a counter, wherein determining said count includes counting a number of pixels for an Hsync pulse" as recited by claim 1 among other features, and thus claim 1 is allowable. Claims 2, 5, 6 and 8, which depend from independent claim 1, recite additional features thereto and are believed allowable for all the reasons provided above with respect to claim 1.

Claims 11 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by the *Shyu* reference. Applicant traverses this rejection and respectfully submits that the pending claims are allowable. The *Shyu* does not disclose each of the elements of amended claim 1 as provided previously. Claims 11 and 12 which depend from independent claim 1, recite additional features thereto and are believed allowable for all the reasons provided above with respect to claim 1.

Claim 13 stands rejected under 35 U.S.C. §102(b) as being anticipated by the *Shyu* reference. Claim 13 is cancelled without prejudice.

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Claims 7-8, 10-11, 14 and 22-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by the *Shyu* reference. Claims 22-23 are cancelled without prejudice to filing a continuing/divisional application. Applicant traverses this rejection with respect to claims 7-8, 10-11 and 14 and respectfully submits that such pending claims are allowable.

The Office Action provides that *Shyu* discloses a counter "using an up-down counter wherein the counter is incremented from a first edge to a second and is decremented from the second to a third edge..." (Office Action, paragraph 5, page 3, lines 20-23). Applicant respectfully submits that selecting clock rate to be the pixel rate is not an obvious design choice as provided below, therefore claim 14 is amended to include the features of claim 3. Applicant believes that the reference does not disclose "incrementing said test counter until a second edge of at least one of said sync pulses is detected, wherein incrementing said test counter comprises counting a number of pixels for an Hsync pulse" as recited by claim 14 among other features, and thus claim 14 is allowable.

The *Shyu* does not disclose each of the elements of amended claim 1 as provided previously. Claims 7-8 and 10-11 depend from independent claim 1, recite additional features thereto and are believed allowable for all the reasons provided above with respect to claim 1.

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the *Shyu* reference. Claims 3 and 4 are cancelled and the features thereof are incorporated into claims 1 & 14 and new claims 24 & 34. Applicant submits that while *Shyu* discloses "the frequency of the clock signal is substantially greater than that of the input periodical signal SI" (*Shuy*, col. 2, lines 31-33), *Shuy* does not disclose "counting a number of pixels for an Hsync pulse" or "counting a number of lines for a Vsync pulse." Applicant submits that these features are therefore not taught or suggested by the cited reference.

However, the Examiner has asserted that the "selecting the clock rate to be the pixel rate when the sync signal input represents the horizontal component would be an obvious choice of design being that the pixel rate is substantially faster than the horizontal rate and it typically an integer multiple thereof..." and "selecting the clock rate

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to be the horizontal rate when the sync signal input represents the vertical component would be an obvious choice of design being that the horizontal rate is substantially faster than the horizontal rate and it typically an integer multiple thereof..." (Office Action, paragraph 8, page 6, lines 21-24, page 7, line 1-2 and 4-9). It would appear that this statement, because of the manner in which it is worded, could be interpreted as asserting Official Notice of the subject of the statement. If the Examiner is asserting Office Notice that "selecting the clock rate to be the pixel rate when the sync signal input represents the horizontal component would be an obvious choice of design being that the pixel rate is substantially faster than the horizontal rate and it typically an integer multiple thereof..." and "selecting the clock rate to be the horizontal rate when the sync signal input represents the vertical component would be an obvious choice of design being that the horizontal rate is substantially faster than the horizontal rate and it typically an integer multiple thereof..." is common knowledge, Applicant respectfully traverses the Examiner's assertions as provided below. Alternatively, if the Examiner's assertions are based on the personal knowledge of the Examiner, then under MPEP §2144.03(C) and 37 CFR §1.104(d)(2), the Examiner's assertion must be supported by an Affidavit.

According to MPEP §2144.03(A), Official Notice, without supporting references, should only be asserted when the subjects asserted to be common knowledge are "capable of instant unquestionable demonstration as being well-known." That is, the subject asserted must be of "notorious character" under MPEP §2144.03(A).

However, Applicant respectfully submits that the claimed elements are not common knowledge and well-known in the art. Applicant submits that the "a thorough search of the prior art," was performed as part of the examination of the present application. However, such detailed and thorough search of the prior art failed to yield any mention of the teachings as appears to be asserted as known in the art. Applicant respectfully submits that if claimed elements had been of "notorious character" and "capable of instant unquestionable demonstration as being well-known" under MPEP §2144.03(A), then such subject matter would have appeared during the detailed and thorough search of the art.

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New claims 24-41 are added. New claims 24 and 34 include the features of claim 4. Specifically, new claim 24 recites "determining a count of the sync pulse using a counter, wherein determining said count includes counting a number of lines for a Vsync pulse" among other features, while new claim 34 recites "incrementing said test counter until a second edge of at least one of said sync pulses is detected counter, wherein incrementing said test counter comprises counting a number of lines for a Vsync pulse" among other features. Applicant believes that claims 24 and 34 are allowable for all the reasons provided above. New Claims 25-33 and 35-41, which depend from claims 24 and 34 respectively, and recite additional claims thereto, are believed allowable for all the reasons provided above.

In view of the foregoing, it is respectfully submitted that the pending claims define allowable subject matter. Reconsideration and allowance is respectfully requested.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,



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